

**From:** [King, Christopher \(Law\)](#)  
**To:** [Carr, Brian](#)  
**Cc:** ["Levine, Robin"; Robert Fox; Cohen, Rochelle \(Law\)](#)  
**Subject:** Draft Gowanus AOC - NYC Comments to Schedule  
**Date:** Wednesday, December 02, 2015 5:56:47 PM  
**Attachments:** [Appendix B for RD AOC NYC comments - 12 2 - \(# Legal 6233599\).DOCX](#)

---

Brian:

As promised attached are the City's comments to the Schedule. A couple of things to note about our comments:

1. We realize the schedule for completing the design is later than that currently included in the UAO. However, the phasing of the design and anticipated construction schedules allow for the site preparation / demolition contract to start as soon as we obtain title to the RH3 property, and for tank construction to begin as soon as National Grid has completed the remediation of the Canal-side Property and Staging Area Property (to the extent required). The proposed design schedule is aggressive, and any further tightening of the schedule will reduce the quality of the design, which, based upon our experience, would inevitably lead to a significant number of change orders and delays in the construction schedule.
2. The design schedule is based on a number of assumptions; the most noteworthy are: a) EPA would not seek significant changes to the overall project design intent after EPA approval of the City's Basis of Design Submittal (any significant changes to the design after this point will result in delays); b) a 30-day period for EPA review and comment on the BODR and 30, 60, 90% design submittals; and c) an agreement with EPA on any significant environmental impact mitigation measures at the 30% design milestone.

At our meeting on Friday we would like to begin with a discussion of the City's comments to the Settlement Agreement. We are also happy to discuss the schedule, but given time constraints and the various technical aspects of the design, it may make sense to have a separate technical meeting on the design schedule.

See you Friday.

CK

[CHRISTOPHER GENE KING](#) | SENIOR COUNSEL | [ENVIRONMENTAL LAW](#)

New York City Law Department • Office of the Corporation Counsel  
100 Church Street • New York, NY 10007 • [www.nyc.gov/law](http://www.nyc.gov/law)  
[cking@law.nyc.gov](mailto:cking@law.nyc.gov) • w. 212.356.2074

Please Note: The information contained in this email message and its attachments may be CONFIDENTIAL and LEGALLY PRIVILEGED. It is intended only for use of the recipient(s) named above. If you are neither the intended recipient of this message nor the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that disseminating or copying this message (including any attachments) is strictly prohibited. If you have received this message in error, please notify me by telephone or return email and delete the message from your computer permanently. Thank you.